

BOARD OF ZONING APPEALS

Minutes

March 26, 2002

The regular meeting of the Board of Zoning Appeals of the City of Wichita, Kansas, was held at 1:35 p.m., on March 26, 2002, in the Planning Department Conference Room, Tenth Floor of City Hall, 455 N. Main, Wichita, Kansas.

The following Board members were in attendance: BICKLEY FOSTER, JAMES RUANE, JOHN ROGERS, and FLOYD PITTS. The following Board members were absent: BRADLEY TIDEMANN, RANDY PHILLIPS and JAMES SKELTON.

SHARON DICKGRAFE, Law Department present

J. R. COX, Commercial Plan Review/Commercial Zoning -- Office of Central Inspection

The following Planning Department staff members were present:

SCOTT KNEBEL Assistant Secretary,

VALERIE ROBINSON, Recording Secretary.

RUANE: Calling to order the March meeting of the Board of Zoning Appeals, my name is James Ruane and I will be chairing this meeting. We do have in place a quorum. (Roll call). Staff is well represented as the minutes will reflect. There has been a packet of information that has been distributed to the Board, consisting of an agenda, minutes from our last meeting, and a secretary's report, an application with regards to the one item on our agenda today, so we will proceed further from there. If you in the audience did not already have a copy of the staff report or any other items that relate to your particular matter, let me know and we will make sure you have them. Have you seen the staff report?

Okay, the only other procedural aspect that you need to know is that, in order to get the record appropriately done, to address us you need to step to the microphone, introduce yourself, place of residence, etc. so that will reflect on the record. There being no further housekeeping items lets move to Item #1 on the Agenda, which would be approval of the BZA meeting minutes for February 26, 2002.

RUANE: We have a motion and a second. Any discussion on the motion? I just have a question. Much of these minutes relates to the bylaw amendments. When should we expect to start following those, I should say?

KNEBEL: I think we should probably start following them now, but as for getting a final copy to you, I suspect we can get that next meeting.

PITTS: Going out of order Mr. Chairman, do you think it may be appropriate to explain to the audience how the voting procedure goes for a majority vote, the requirements?

RUANE: Sure I think that would be an appropriate item. Lets vote on the motion with regards to the minutes, and then, Sharon, I will give you a minute to prepare your remarks on that before we enter into Item #2 on the Agenda. Okay, so we have a motion, a second and a bit of discussion in regards to approval of our minutes for February 26th meeting.

**FOSTER moved ROGERS seconded to approve the "Minutes" of
February 26, 2002.**

MOTION carried 4-0.

RUANE: Proceeding on to Item #2. As a preliminary matter; Sharon would you explain the approval procedures, in particular as it applied to this application in the meeting here today where we have four members present.

DICKGRAFE: Generally to approve your request a vote of the majority of the entire Board is necessary, so in this case because we only have a quorum of four, in order to pass a variance or take any action, all four board members are going to either approve or disapprove your request. If we can't get a vote of four, then the item would come back, is that right Scott?

KNEBEL: It would be denied.

DICKGRAFE: It would be denied. We have just made current changes to the bylaws.

RUANE: It has nothing to do with the merits of your application. It is just an explanation, of a modification to the bylaws that you might not otherwise have been made aware of. So I will call this case BZA2002-00008. The request is for two variances. One is to allow a 70-foot high building sign. The other is to allow a 50-foot high building sign for the Ramada Hotel a property zoned "LC" Limited Commercial. This was formally Holiday Inn or Holiday Inn Express and is now becoming a Ramada franchise, I assume, is that correct? The applicant is here and represented. We will first hear staff comments and explanation of the staff report that has been issued already.

SCOTT KNEBEL, planning staff, for the record. As was mentioned, this a request for two variances on, I believe a six-story building located at Kellogg and Armour, as highlighted here by this black outline. The property is zoned "LC" Limited Commercial. The Limited Commercial zoning district limits the height of signage on buildings to a maximum height of 30 feet. The applicant is requesting, and you can see the multi-story building here in the overhead aerial, a sign facing to the north on the north elevation and a sign facing to the west on the west elevation, both of which would be toward the top of the building exceeding 30 feet in height. It would be 70 feet in height on the north elevation and 50 feet in height on the west elevation. As you can see by this architectural rendering here, the top sign is exceeding a height of 30 feet at a height of 70 feet and then again on the west elevation the sign at a height of 50 feet for the two requests. There is also a sign, and I will show you that and this is a picture, they would basically be adding the roof top feature here and placing a sign on the top of it at that location on the north elevation. On the west elevation the sign would be in this location right here. And then on the East elevation, there is currently a sign at approximately at a height of 50 feet that is a non-conforming sign. This building was constructed in 1973. The sign code was adopted towards the end in 1974. We don't have any records that we were able to find as far as official permits or anything. We are comfortable that this particular sign was, or a sign in this particular location was in place prior to the Sign Code being adopted, that limited the height to 30 feet. If you look at the Sign Code, and I have referenced some sections of the code there, it does allow there what they call non-conforming signs to have the face or copy sign change from one message to another in this case from Holiday Inn to Ramada. That is just a little background information. The property itself is along Kellogg in a very commercialized area. All of the neighbors are car sales lots, to the west, to the east and to the north and then back behind to the south where they are not requesting any signage is where the nearest residential uses are.

As far as the criteria for granting a variance, staff finds that all five of those exist, and I will go through those briefly for you. As far as the uniqueness of the property, the property is zoned "Limited Commercial" and we feel that a six-story hotel building is unique in a "Limited Commercial" Zoning District. If you look around town, most of the hotels that are in that zoning district are either two or three at the most four-stories tall. There are a few them that are zoned "LC" that are taller than that, but

for the most part the taller building of any type really, whether they are hotels or other types of office buildings, are in more intensive zoning districts, mostly in the Central Business District, but also there are some in the General Commercial districts.

As far as the adjacent property, we don't feel that there will be any adverse impact. The only, as I mentioned before, the only residential uses will not have a direct view of the signage.

As far as the hardship on the applicant, we feel that they have a hardship based on their location and the difficulty with which travelers will need to, or would be able to see this sign, down here or a pole sign out on the highway before it is time in order to make the maneuver you need to make to get to that hotel. And the hardship would be increased once the freeway is installed in this location. You would have to take an exit prior to getting to this location.

As far as the public interest we feel like the signage is of appropriate scale. It does not extend above the roofline, it is on the roof of the building, or at or below the roof of the building I should say.

And as far as the intent of the code, the intent of the Limited Commercial district is to provide for lesser intensity commercial uses. It does allow, as you can tell by the fact that this is being constructed, larger and more intense buildings, but the sign code does not reflect that. In the instances where there have been mid-rise or high rise commercial building built in the but the "Limited Commercial" district without exception, or at least I could not find any exceptions, those business have been granted variances to allow them to place signs at a height higher than 30 feet.

Based on those findings, the planning staff is recommending that the two variances be granted, one for a 70 foot high sign on the north elevation and one for a 50 foot high sign on the west elevation. We are recommending conditions that basically spell out the nature of the approval limiting the height of the two signs that I mentioned previously, limiting the size of those signs to 60 square feet, then requiring that the signs be installed based on permits, and be installed within one year. With that I will answer questions.

RUANE: Any questions from the Board?

FOSTER: Scott, what does, or what did the Holiday Inn have prior to this sign?

KNEBEL: Well we were talking about that amongst ourselves, and we can't remember for sure, but we feel like at least half of us seem to remember at least a sign on the north elevation towards the top of the roof, but we don't have any evidence of that. Prior to 74 there were not permits required, is that correct J.R. for installing signage?

COX: Right.

FOSTER: And there would be no, if this were approved, there would be no signs out in the front area other than on the building itself is that correct?

KNEBEL: No, they do have a permitted pole sign, if I recall correctly, as well.

FOSTER: It is already there now?

KNEBEL: That is what I seem to remember, lets see if I have a picture of it. Maybe we need to ask the applicant. Lets see here, yes they do have one.

FOSTER: And this area is to be rebuilt at some time?

KNEBEL: Correct, there is going to be a freeway with an overpass I believe.

FOSTER: Will that eliminate the sign in front or just be higher than it's location?

KNEBEL: No I think all the additional right-of-way is going to come off the north side. So that sign would remain there.

FOSTER: Would it be up in the air or do you know?

KNEBEL: It would remain at that height right there.

FOSTER: So people could see the sign in front?

KNEBEL: Well yeah, probably by the time you got there you could, but by that time you would have, you are going to have to take an exit at either Rock Road or at Woodlawn to get here.

FOSTER: Thank you.

RUANE: Mr. Pitts.

PITTS: If it should be determined at a later date or some time in the future that that sign on the east elevation is in fact not a non-conforming sign, what would that do to whatever we are going to do today?

KNEBEL: It wouldn't impact the other two signs that they have requested. They would basically have to come and request a variance for that sign, although I don't believe you all are going to have to make that determination.

RUANE: Any other question for staff? Thank you Scott, now we will hear from the applicant.

KIM QUASTAD, with Turnkey, I am representing the Wichita Hospitality Holdings, my address is 1607 N. Single Tree Circle, Andover Kansas. We are a licensed signage installer within the City of Wichita. We are currently requesting this variance for the signage. A couple of questions that you were asking earlier, I can answer those. The signage that was up on the building before, there was a larger sign up on the roof, the north elevation, the structure that is up there currently right now all they did was cut the sign up right at the top of the building. The structure that held it is still in place right now. It is actually a lot larger than the sign we are going to put up. There are also holes, conduits and all that type of hardware over on the west side from where there used to be a sign there.

My assumption is that when the new owners took over, they may have not realized that in order to keep the signage there you have to replace it, otherwise they lose the right to have signage there. But all the holes, and mounting is still there. The sign that is going on the north elevation is considerably smaller than what is there, or what was there previously. A lot of other properties in the area, hotels in general have signs on three to four sides of the building. Those are one's that are larger than the three-story buildings. The Marriott on down the road has signage on four sides, or I know at least the three sides. The American Financial Building just right down the street there, it has it on their sides. The Holiday Inn has it on two sides there, and it used to be the old four-point Sheridan. I have pictures of some of the other hotels if you would be interested in seeing those.

reference to the pole sign that is currently out front, it is the opinion of Turnkey that this sign probably won't be high enough to catch traffic that is moving along when the new expressway comes along. Because this property does sit down in a little bit of a valley from Woodlawn, you crest the hill there and then you go down. It is a decent size sign, but I don't know if it will actually be as visible as it needs to be. Coming from the west side as I go over and look at West Street, over there a lot of the signage that is currently along the road when the new freeway came through there is no longer visible and they are about the same height. It is just because of the way the freeway went through there. I think it dramatically hurt some of those business over there because of that. Development has to happen. The city must grow. That is pretty much all that I have unless you have some questions in reference to it.

FOSTER: I was just looking in the material, and are these signs lighted? I don't see anything there.

QUASTAD: Yes they are. In the material it does say they are a backlit channel letter sign, which means basically it is a channel. You cut out the design of the letter and then it is like a neon light inside of that channel. So there is no light coming out from the sides. It is only directional.

FOSTER: Just the letter itself is lit?

QUASTAD: Just the front of the letter not the side. Just the front, because there are differences in letters, some of them will illuminate the sides and the front. This will only illuminates forward.

RUANE: You lost me on part of that. So the neon strip is behind the outline of the letter and faces the back.

QUASTAD: Yes, what it is you take a can, put a light inside of that can, put a clear cover on the front, light is only going to go out through the front. That is the same thing as a channel lit letter. It is only going to let the light go out through the face, not out through the sides. Some of your channel letters, the other styles, will actually let it go out the sides, depending upon how they are lit.

RUANE: So the lights are aimed at towards the building or out from the building?

QUASTAD: Out from the building, out from it. The one on the north, will be aimed north. The one on the west side will be aimed at the west.

RUANE: What other questions do you have? Thank you.

FOSTER: Excuse me Mr. Chairman. Is the 60 square feet satisfactory to you?

QUASTAD: Yes it is.

RUANE: Anything else in the recommendations that you can't accept or have problems with?

QUASTAD: After reading through it I don't see anything I would have a problem with on any of the recommendations. I didn't see any thing that was going to be a problem.

RUANE: I would direct you attention then to their recommendations being granted subject to the following conditions 1-5. Take a look through those, maybe with the franchisee to make certain.

JOHN BUTLER, director of operations, no problems at all.

RUANE: All right we will bring the discussion back to the board. Is there anyone that would like to begin the discussion?

FOSTER: Mr. Chairman, I find the staff report complete and answers the questions. I am prepared to make a motion unless there is more discussion.

RUANE: It appears there is a consensus on it.

FOSTER moves PITTS seconds that the Board accept the findings of fact as set forth in the Secretary's Report; and that all five conditions set out in section 2.12.590 (b) of the City Code as necessary for the granting of variances have been found to exist and the variances be granted subject to the conditions set out in the Secretary's Report.

MOTION carried 4-0.

RUANE: So this matter passes with a unanimous vote for approval, notwithstanding the earlier scare. Good luck with your hotel and it's signage. We are going to precede to Item #3 on the Agenda, a report from Central Inspection regarding compliance with requirements of various cases.

COX: I have no report to report.

RUANE: Any other business to come before us? I move that we adjourn.

Meeting adjourned 2:00 p.m.